

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:13-CV-00110-KDB-DSC**

**UNITED STATES ex rel.  
LIUBOV SKIBO, et al.,**

**Plaintiffs,**

**v.**

**GREER LABORATORIES, INC.,**

**Defendant.**

**ORDER**

On October 23, 2019 Defendant Greer Laboratories, Inc. (“Greer”) filed a Motion for Attorney Fees and Expenses. *See* Doc. No. 184. More specifically, the motion asks the Court to enter an Order that Greer is entitled, pursuant to Fed. R. Civ. P. 54(d)(2), 31 U.S.C. § 3730(d)(4), and 28 U.S.C. § 1927, to attorneys’ fees and expenses reasonably incurred in defense of this case from at least the close of discovery to the “present” because Relators’ allegations were clearly frivolous, vexatious, and harassing. *Id.* The motion does not, however, seek a specific amount of attorneys’ fees; rather, Greer requests that the Court establish a schedule for further submissions regarding the precise amounts of the fees and expenses to be awarded.

Rule 54 (d)(2)(B)(iii) of the Federal Rules of Civil Procedure requires that a claim for attorneys’ fees must “state the amount sought or provide a fair estimate of it ....” Moreover, with the Fourth Circuit Court of Appeals having now clearly decided Plaintiff’s appeal of the Court’s grant of summary judgment to Defendant, *see* Doc. No. 196, it is appropriate for the Court to give the parties an opportunity to reconsider their respective positions and determine if they are able to reach a resolution of the attorneys’ fees issue without the need for the Court to decide a contested

motion. Accordingly, the Court will direct the parties to meet and confer in a good faith attempt to resolve the pending motion for attorneys' fees. Further, in the event such efforts are unsuccessful, the Parties shall submit to the Court their positions on the amount of attorneys' fees that should be awarded on the schedule set forth below.

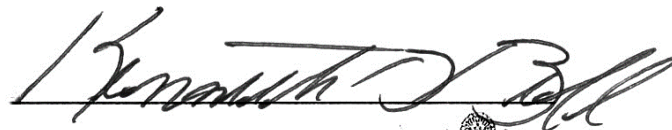
**ORDER**

**NOW THEREFORE IT IS ORDERED THAT:**

1. On or before January 27, 2021, Plaintiffs and Defendant shall meet and confer in a good faith attempt to resolve the pending motion for attorneys' fees, Doc. No. 184, and notify the Court of the results of their efforts; and
2. In the event those negotiations are unsuccessful, the Parties shall brief their respective positions solely on the amount of fees and expenses to be awarded as follows:
  - a. Defendant's initial brief is due on or before February 2, 2021;
  - b. Plaintiff's response is due on or before February 16, 2021; and
  - c. Defendant's reply is due February 23, 2021.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: January 11, 2021



Kenneth D. Bell  
United States District Judge

